



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/537,736	01/29/96	KAUFFMAN	P-SK 4376

EXAMINER	
A. CHAKRABARTI	
ART UNIT	PAPER NUMBER
1655	28

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- 1) DAVID GAY (3) \_\_\_\_\_  
2) ARUN CHAKRABARTI (4) \_\_\_\_\_

Date of Interview 9/24/01

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached. ☒ was not reached.

Claims discussed: ALL

Identification of prior art discussed: NONE

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant was informed that after final amendment has been received and finality of last office action will be withdrawn.

A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview Must Be Made of Record

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

### §1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

5 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

the response obtained by the use of the above model is a function of the number of subjects,  $n$ , and the number of items,  $N$ , which are indexed by stimulus presentation. The model is indexed by stimulus presentation, and the response is indexed by stimulus presentation.

Examiners must agree to not discuss the oral interview transcript of each interview held after January 1, 1973 where a matter of substance has been discussed during the interview. The oral interview transcript shall be for the purpose of that interview only, using a ball point pen. Comments regarding any procedural matter, or any other comments, not related to the subject of the interview, or any other information is otherwise provided for in Section 412.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below.

to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed separately after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the agreement, if reached
- An indication whether an agreement was reached, and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed to, being allowable) (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a statement regarding the applicant's inability to record the substance of the interview.

It is desirable that the examiner clearly inform the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will proceed *aloud*. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

specific, detailed, and accurate information about the nature, extent, and consequences of the problem, and the availability of resources to address it. This information is used to develop a plan of action that is tailored to the specific needs of the community and the resources available. The plan of action should include a clear statement of the problem, a description of the resources available, and a description of the actions that will be taken to address the problem. The plan of action should also include a timeline for the actions and a description of the resources that will be needed to implement the plan. The plan of action should be developed in consultation with the community and the resources available, and it should be updated as needed as more information becomes available.

A complete and proper recitation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted.
  - 2) An identification of the claims discussed.
  - 3) An identification of specific prior art discussed.
  - 4) An identification of the proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner.
3. **General observations.** The examiner should make a general observation of the arguments advanced by the applicant. A statement of whether or not the examiner is convinced of the appropriateness of the amendments is sufficient. The general nature or thrust of the applicant's position to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and/or de-emphasize certain points which to him may or might be persuasive to the examiner.
- a) a general indication of any other pertinent matters discussed, and
  - b) if appropriate, the examiner's view of some of the interview issues already described in the Interview Summary Form completed by the examiner.

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